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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,785	03/08/2004	Albert Gordon Smith	58083-375010 (M074)	1669
72058	7590	09/01/2010		EXAMINER
Kilpatrick Stockton LLP-	Adobe Systems, Inc.	58083		ZAHR, ASHRAF A
Kilpatrick Stockton LLP 1100 Peachtree Street Atlanta, GA 30309-4530			ART UNIT	PAPER NUMBER
			2175	
			NOTIFICATION DATE	DELIVERY MODE
			09/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[ipefiling@kilpatrickstockton.com](mailto:ipefiling@kilpatrickstockton.com)  
[jlhice@kilpatrick.foundationip.com](mailto:jlhice@kilpatrick.foundationip.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,785	SMITH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ASHRAF ZAHR	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 6/22/2010.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-19,28 and 30-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 12-19,28 and 30-37 is/are allowed.
- 6) Claim(s) 38, 40 is/are rejected.
- 7) Claim(s) 39 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This is the final rejection for application 10/796785. Claims 12-19, 28, 30-40 are pending in this application

### ***Allowable Subject Matter***

2. Claims 12-19, 28, 30-37 are allowed.
3. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 38, 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al., US 6178432 (Hereinafter, Cook).

**Regarding Claim 38,** Cook discloses “a system comprising: a display device; a memory; and a processor, wherein the memory embodies program code that configures the processor to: access code of a software application, based on the accessed code”. Specifically, Fig 2B depicts a hardware setup used in one embodiment of the present

invention. Computer 250 includes a processing unit 252 and monitor 254. Processing unit 252 is connected to storage unit 256. Modules 204 and Web page authoring module 208 are stored on storage unit 256 (Cook, col 6, ln 46-56).

Cook discloses “generate a descriptive hierarchical structure of the application, the descriptive hierarchical structure comprising a plurality of descriptor nodes”. Specifically, each object and structure listed in the prototype is included in the interactive web page being created when the prototype is selected by the user (Cook, col 15, ln 39-45).

Cook discloses “the descriptive hierarchical structure comprising at least one first descriptor node that corresponds to an object used in rendering in an initial view of the application and”. Specifically, each object and structure listed in the prototype is included in the interactive web page being created when the prototype is selected by the user (Cook, col 15, ln 39-45).

Cook discloses “at least one second descriptor node that corresponds an object used in rendering a second view of the application other than the initial view of the application”. Specifically, some prototypes contain a placeholder object which is bound to a user specified object when the user attaches the prototype to the user specified object (Cook, col 15, ln 39-45).

Cook discloses “use the descriptive hierarchical structure to identify the at least one first descriptor node and instantiate an object corresponding to the at least one first descriptor node”. Specifically, The structures and objects with their defined behaviors and the Java applet are downloaded by the user who wishes to view or "play" the Web

page and the complex cascade of actions which result from the user's input to the Web page display is implemented (Cook col 13, ln 20-30).

Cook discloses "render an initial view of the application by using the instantiated object to generate a graphical display for output using the display device". IG. 5B shows the display process for the present invention. Page 550 is a single page which may interchangeably or simultaneously display object 552, object 554, object 556, object 558, object 560, and object 562. By displaying any and all combinations of the objects, Page 550 is able to display a large number of permutations of page displays, based on the user input (Cook, col 13, ln34-50).

**Regarding Claim 40**, Cook discloses "the system set forth in claim 38, wherein the descriptive hierarchical structure includes nodes corresponding to objects of a plurality of different views of the application". Specifically, each of the objects may be displayed or hidden according to user input (Cook, col 13, ln34-50).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2175

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ  
8/23/10

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175